

fuel tanks that do not meet permeation emission standards specified in § 1054.112(b) and 40 CFR 1060.103, subject to the following provisions:

(i) You may use allowances under this paragraph (m) only for Class II equipment models using identical fuel tanks such that the production volumes of the fuel tank design used in such equipment is no more than 5,000 units in the 2011 and 2012 model years, with a total corporate allowance of 10,000 units in 2012. If production volumes are greater than 5,000 for a given fuel tank design (or greater than 10,000 corporate-wide in the 2012 model year), all those tanks must comply with emission standards. Tanks are generally considered identical if they are produced under a single part number to conform to a single design or blueprint. Tanks should be considered identical if they differ only with respect to production variability, post-production changes (such as different fittings or grommets), supplier, color, or other extraneous design variables. The limit of 5,000 units for a given fuel tank design applies together for the total production from any parent or subsidiary companies.

(ii) Include the following statement on the emission label specified in 40 CFR 1060.135: “EXEMPT FROM TANK PERMEATION STANDARDS UNDER 40 CFR 1054.145”.

(iii) You must keep records to demonstrate that you do not exceed the specified production volumes. Identify the number of exempted equipment you produced from each model and from each production facility.

(iv) You may not apply the provisions of this paragraph (m) for fuel tanks that are not rotation-molded or for equipment that is not powered by a Class II engine.

(2) Fuel tank manufacturers may produce exempted fuel tanks as needed for equipment manufacturers under this paragraph (m) without our prior approval. Fuel tank manufacturers must keep records of the number of exempted fuel tanks sold to each equipment manufacturer.

(3) Equipment you produce under this paragraph (m) are exempt from the prohibitions in 40 CFR 1068.101(a)(1) with respect to fuel tank permeation

emissions, subject to the provisions of this paragraph (m). However, producing more exempted equipment than we allow under this paragraph (m) violates the prohibitions in 40 CFR 1068.101(a)(1). Equipment manufacturers and fuel tank manufacturers must keep the records we require under this paragraph (m) until at least December 31, 2016 and give them to us if we ask for them (see 40 CFR 1068.101(a)(2)).

(n) *Ethanol-blended test fuel for nonhandheld engines.* During the first two years of the Phase 3 standards, if you use an ethanol-blended test fuel for certifying a given engine family as described in § 1054.501(b)(2), we will also use the blended fuel for testing engines from that engine family, whether or not you use the blended fuel for certifying all your Class I (or Class II) engine families in that model year.

(o) *Interim bonding provisions.* Through 2012, the maximum value of the bond under § 1054.690 is \$10 million. This maximum value applies without adjustment for inflation.

[73 FR 59259, Oct. 8, 2008, as amended at 75 FR 23025, Apr. 30, 2010]

Subpart C—Certifying Emission Families

§ 1054.201 What are the general requirements for obtaining a certificate of conformity?

Engine manufacturers must certify their engines with respect to the exhaust emission standards in this part. Manufacturers of engines, equipment, or fuel-system components may need to certify their products with respect to evaporative emission standards as described in 40 CFR 1060.1 and 1060.601. The following general requirements apply for obtaining a certificate of conformity:

(a) You must send us a separate application for a certificate of conformity for each engine family. A certificate of conformity is valid starting with the indicated effective date but it is not valid for any production after December 31 of the model year for which it is issued. No certificate will be issued after December 31 of the model year. If you certify with respect to

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both exhaust and evaporative emissions, you must submit separate applications.

(b) The application must contain all the information required by this part and must not include false or incomplete statements or information (see § 1054.255).

(c) We may ask you to include less information than we specify in this subpart as long as you maintain all the information required by § 1054.250.

(d) You must use good engineering judgment for all decisions related to your application (see 40 CFR 1068.5).

(e) An authorized representative of your company must approve and sign the application.

(f) See § 1054.255 for provisions describing how we will process your application.

(g) We may require you to deliver your test engines to a facility we designate for our testing (see § 1054.235(c)).

(h) For engines that become new after being placed into service, such as engines converted to run on a different fuel, we may specify alternate certification provisions consistent with the intent of this part. See § 1054.645 and the definition of “new nonroad engine” in § 1054.801.

[73 FR 59259, Oct. 8, 2008, as amended at 75 FR 23025, Apr. 30, 2010]

§ 1054.205 What must I include in my application?

This section specifies the information that must be in your application, unless we ask you to include less information under § 1054.201(c). We may require you to provide additional information to evaluate your application. The provisions of this section apply to integrated equipment manufacturers and engine manufacturers selling loose engines. Nonintegrated equipment manufacturers must follow the requirements of 40 CFR part 1060.

(a) Describe the emission family's specifications and other basic parameters of the engine's design and emission controls. List the fuel type on which your engines are designed to operate (for example, all-season gasoline). List each distinguishable engine configuration in the emission family. For each engine configuration in which the maximum modal power of the

emission-data engine is at or above 25 kW (or power at or above 15 kW if displacement is above 1000 cc), list the maximum engine power and the range of values for maximum engine power resulting from production tolerances, as described in § 1054.140.

(b) Explain how the emission control systems operate. Describe the evaporative emission controls and show how your design will prevent running loss emissions, if applicable. Also describe in detail all system components for controlling exhaust emissions, including all auxiliary emission control devices (AECDs) and all fuel-system components you will install on any production or test engine. Identify the part number of each component you describe. For this paragraph (b), treat as separate AECDs any devices that modulate or activate differently from each other. Include sufficient detail to allow us to evaluate whether the AECDs are consistent with the defeat device prohibition of § 1054.115. For example, if your engines will routinely experience in-use operation that differs from the specified duty cycle for certification, describe how the fuel-metering system responds to varying speeds and loads not represented by the duty cycle. If you test an emission-data engine by disabling the governor for full-load operation such that the engine operates at an air-fuel ratio significantly different than under full-load operation with an installed governor, explain why these differences are necessary or appropriate. For conventional carbureted engines without electronic fuel controls, it is sufficient to state that there is no significant difference in air-fuel ratios.

(c) [Reserved]

(d) Describe the engines, equipment, and fuel system components you selected for testing and the reasons for selecting them.

(e) Describe the test equipment and procedures that you used, including any special or alternate test procedures you used. For handheld engines, describe how you selected the value for rated speed.

(f) Describe how you operated the emission-data engine before testing, including the duty cycle and the number